

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 784 of 2018**

1. Gaurav Banarjee, S/o. Ashok Banarjee, Aged About 32 Years R/o Behind Durga Mandir Ward No. 12, Kharsiya Distt. Raigarh Chhattisgarh.
2. Arun Agrawal, S/o. Kapurchand Agrawal, Aged About 40 Years, R/o. Bujaram Gali Ward No. 9 Kharsiya Distt. Raigarh Chhattisgarh.
3. Yogesh Ambawani, S/o. Nanakram Ambawani Aged About 30 Years R/o Near Hanuman Chowk Ward No. 9, Kharsiya Distt. Raigarh Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : The Police Station Kharsiya Distt. Raigarh Chhattisgarh.

---- Respondent

For Applicants : Mr. Sanjay Agrawal, Advocate

For Respondent/State : Mr. Rahul Tamaskar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****23/08/2018**

1. Apprehending arrest in connection with Crime No.391/2017, registered at Police Station – Kharsiya, District – Raigarh for offence punishable under Section 147, 148, 149, 294, 506, 457, 354, 323, 427 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. Their name has not appeared in the FIR lodged by the complainant/victim in this case and in her statement under Section 161 of Cr.P.C. At some subsequent stage, names of these applicants have been revealed by the complainant in her statement under Section 164 of

Cr.P.C. Therefore, it is prayed that the applicants may be enlarged on anticipatory bail.

3. Per contra learned State counsel formally opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. It is alleged that on the date of incident about 150- 200 persons of the locality formed an unlawful assembly and then abused, threatened and committed the house tress-pass, assaulted and caused mischief and also outraged the modesty of the victim in this case.
6. Considered the submissions made and the documents placed on record. Considering on the entire material present in the case diary, it appears that the names of these applicants had not appeared in the initial stage of lodging of FIR and recording of statement under Section 161 of Cr.P.C., hence for this reason, this Court is of the opinion that present is a fit case, in which the applicants should be extended the benefit of Section 438 of Cr.P.C.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram